

Chief, CFB
Through ARSC
Office of General Counsel

10 August 1949

Marriage of Employees En Route to Permanent Station

1. Reference is made to your memorandum of 8 July 1949, inquiring whether any authority exists for the amendment of travel orders to provide for the travel expenses of dependents of employees acquired after the issuance of travel orders and either prior to or after the commencement of travel.

2. Generally speaking, your review of the Standardized Government Travel Regulations, Foreign Service Travel Regulations, and various decisions of the Comptroller General indicating that dependents acquired en route or at a TDY post of duty are required to travel at the personal expense of the employee, is correct. However, it would appear that the standards to be applied in cases of this sort should be abstracted from the rationale of the decisions and sanctioned administrative practices of the Department of State concerned with the transportation and travel expenses of dependents and household effects of Foreign Service officers.

3. You have undoubtedly observed, in your review of the decisions, that an essential condition of the conclusions reached therein is the principle that the right to transportation accrues to the personnel concerned only as to effects in possession when ordered to make a change of station, it being uniformly held by the accounting officers that the responsibility of the Government for shipment of effects is limited to those owned on the effective date of the change of station order, and may not include after acquired property.

4. In Comp. Gen. 268, it was held, quoting from the syllabus

"To entitle Foreign Service officers to reimbursement of the cost of transportation of household goods, including automobiles, purchased while en route to a new post of duty, it must appear that the transportation charges were incurred only after title to the property passed to the officer and such charges may include only the actual and necessary cost of such transportation, subject to limitation prescribed in the regulations, directly from the place where the title passes to him to his new post."

5. It is to be noted that this case was resolved on the principle of where and when title passed. In construing Section 11 of the President's Regulations, Executive Order 8588, as amended by

7. This statement is illustrated by the type of order which was issued to a Foreign Service officer in connection with his change of station from Bangkok, Siam to Budapest, Hungary. (Unpublished Decision A-51296 dated 17 October 1939.) The officer was advised of his assignment to Budapest by telegraphic instructions of the Secretary of State as follows:

"For Robert English.

"Transportation expense for you and effects authorized subject to travel regulations. Understood you contemplate marriage and if so transportation expenses wife also authorized. Submit estimate."

9. In view of the foregoing, it would, therefore, appear consistent in the situations posed by your memorandum to authorities, by appropriate regulations issued by the Director, the travel of the dependent to the

employee's place of assignment overseas, not to exceed the cost from
TDY post of duty to the place of assignment.

JBK/jaw

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Legal Decisions ✓
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